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VIRLYNN TINNELL
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,

Plaintiff,

vs.

JUSTIN JAMES RECTOR

Defendant.

NO: CR 2014-01193

DEFENSE RESPONSE TO STATE
REQUEST TO ACCELERATE DATE (TO
ALLOW DEFENDANT ACCESS TO
LAPTOP IN JAIL TO REVIEW
DISCOVERY AND ASSIST CASE
PREPARATION

(ASSIGNED TO THE HON. LEE JANTZEN)

Defendant Justin James Rector, by and through undersigned counsel, hereby
responds to the "State Motion to Request An Accelerated Date", as explained in the
Memorandum of Points and Authorities attached hereto and incorporated herein.

RESPECTFULLY SUBMITTED this 20th day of August, 2015.

By: 

GERALD T. GAVIN

Co-Counsel for the Defendant

By: 

RON GILLO

Co-Counsel for Defendant



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MEMORANDUM

Defense counsel is admittedly confused over the State's position in its filed *State Motion to Request an Accelerated Date re evidentiary hearing on defendant's motion to allow defendant access to laptop in jail to review discovery and assist case preparation.*

In its motion, the State wrote: "Undersigned counsel recently learned, through correspondence, that the defense team intentionally did not provide State's disclosure to defendant because of this issue. The State is concerned that the Defendant has not been provided disclosure, some of which the State disclosed to the Defense team as long ago as October 2014. An expedited evidentiary hearing is needed to resolve this issue."

Why? The State can easily resolve its own concerns by allowing Mr. Rector access to a computer so he can, *in private, at any time during the day or night*, wishes to review his case materials and access his file. The Defense has NOT provided DVD and CD material until the client feels it is safe to do so. The client does not wish to view materials when other inmates can potentially watch his preparation. Client also must share the available system with the other inmates in his pod. Mr. Rector has concerns about other inmates having any access to his case information.

Defense Counsel has not provided those materials to the client for one reason: holding a CD or DVD up to the light will not reveal the encoded material on it; he needs a private computer, in his death penalty case, to access this material safely and when he can do so at his choosing. The State is concerned Mr. Rector doesn't have the CDs or DVDs but opposes him having the very thing he needs to review the material on such items. The State indicates it provided material to the defense as far back as October 2014. Present Defense counsel was not appointed until March 2015.

1 The Defense is willing to allow the jail to provide the necessary laptop, or the
2 defense will provide a machine to the jail. The jail staff is free to search the physical
3 and digital contents of any such computer; counsel would prefer the laptop remain in
4 MCSO custody to avoid any problems with security measures to the laptop's content.
5 Despite the defense's willingness to work with the MCSO, the State has chosen to focus
6 on the DVDs and CDs, and seems to miss the entire point of the defenses original filing.

7 The Defendant has also informed his counsel, since the defense filed the motion
8 for the laptop, detention officers came through his cell and specifically inspected his
9 legal materials, apparently searching for the mentioned DVD's and CD's.

10 To begin, the defense OBJECTS to law enforcement reviewing and going through Mr.
11 Rector's legal materials; they provided those materials to him in the past. They have
12 no reason to go back and go through the legal materials they previously inspected prior
13 to giving it to Mr. Rector.
14

15 Defense counsel would ask the court make clear Mr. Rector's legal materials are
16 not for review and analysis by detention staff; the defense would appreciate if the State,
17 through the County Attorney and Jail Staff, not interfere with Mr. Rector's legal defense.
18 If the State is concerned with delay regarding Mr. Rector viewing these materials, do the
19 simple, obvious thing: work with defense counsel to expedite Mr. Rector accessing
20 such material, not oppose his motion to allow him necessary materials, nor intimidate
21 him by searching his legal materials.

22 The State apparently feels it necessary to oppose every defense request
23 because it is a defense request. It would make judicial and economic sense if the State
24 strives to insure Mr. Rector be provided the materials needed without litigation, and
25 unnecessary delay, and try to make sure he is provided the fair trial and proceedings
26 the Constitution demands he receive.
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7 **ORIGINAL** of the foregoing filed
this 20th day of August, 2015 with:

8 Clerk of Court
9 401 E Spring Street
10 Kingman Arizona 86401

11 **COPY** of the forgoing
12 Delivered this 20th day
13 Of August, 2015, to:

14 Honorable Lee Jantzen
15 Judge of the Superior Court
16 Mohave County Courthouse
17 2nd floor
18 Kingman Arizona 86401

19 Greg McPhillips
20 Assigned Deputy County Attorney
21 PO Box 7000
22 Kingman Arizona 86401

23 Director Don Bischoff
24 Mohave County Sheriff's Office/ Jail Commander
25 501 W Highway 66
26 Kingman Arizona 86401

27 Ron Gilleo
28 Mohave County Legal Defender
Co-Counsel for Justin James Rector
313 Pine Street
PO Box 7000
Kingman Arizona 86401

Client Justin James Rector
Mohave County Jail

File

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BY:

